

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Interprofession du Gruyère, et al.,

Plaintiffs,

v.

U.S. Dairy Export Council, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 1:20cv01174-TSE-TCB

DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Defendants/Counterclaim-Plaintiffs, U.S. Dairy Export Council, Atalanta Corporation, and Intercibus Inc. (collectively, “Defendants”), by and through their undersigned counsel, respectfully move this Court pursuant to Fed. R. Civ. P. 56 for summary judgment dismissing Plaintiffs’ claims in their Amended Complaint (Dkt. 23); granting Defendants’ counterclaims in their Answer and Counterclaims (Dkt. 35); affirming the August 5, 2020, decision of the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office; ordering the United States Patent and Trademark Office to refuse registration of U.S. Trademark Application Number 86/759,759; and for such further relief as the court deems just and necessary.

The grounds and authorities for this motion are more fully set forth in (i) the Defendants’ Memorandum of Law in Support of Motion for Summary Judgment; (ii) the Declarations in support filed herewith; and (iii) the record of the Trademark Trial and Appeal Board. A proposed Order is being submitted for the Court’s consideration.

As stated in the Court’s November 17, 2020, Order (Dkt. 36), this motion shall be heard on **Friday, May 7, 2021, at 10:00a.m.**

Date: March 29, 2021

Respectfully submitted,

By Counsel:

/s/ Robert Powers

Robert Powers
Zachary Miller
MCCLANAHAN POWERS, PLLC
8133 Leesburg Pike, Suite 130
Vienna, VA 22182
Telephone: (703) 520-1326
Facsimile: (703) 828-0205
Email: rpowers@mcplegal.com
zmiller@mcplegal.com
pghale@mcplegal.com

Brian G. Gilpin (*pro hac vice*)
Zachary R. Willenbrink (*pro hac vice*)
GODFREY & KAHN, S.C.
833 East Michigan Street, Suite 1800
Milwaukee, WI 53202-5615
Telephone: 414-273-3500
Facsimile: 414-273-5198
Email: bgilpin@gklaw.com
zwillenbrink@gklaw.com

Jennifer L. Gregor (*pro hac vice*)
GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, WI 53703-3300
Telephone: 608-257-3911
Facsimile: 608-257-0609
Email: jgregor@gklaw.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system, which will deliver a true and correct copy of the foregoing document via CM/ECF.

Date: March 29, 2021

By: /s/ Robert Powers
Robert Powers